

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA  
October 22, 2003

The City Council/Redevelopment Agency of the City of Westminster, California convened on October 22, 2003 at 5:00 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

**5:00 P.M.**  
**CLOSED SESSION**

**CALL TO ORDER:**

**ROLL CALL**

PRESENT: RICE, PARIS, FRY, MARSH, QUACH  
ABSENT: NONE

**ITEM ADDED TO CLOSED SESSION:**

The City Council/Redevelopment Agency Board unanimously voted to bring an item onto the agenda for Closed Session of an urgent nature, which arose subsequent to the posting of the agenda, as follows:

- 1) Conference with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Don Vestal and Interim Personnel Director Kermit Francis; City Negotiator Dave Larsen; Employee Organizations: Westminster Police Officers' Association (WPOA);

**CLOSED SESSION:**

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 2) Pursuant to Government Code Section 54957: Public Employment: City Manager;
- 3) Conference with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Don Vestal and Interim Personnel Director Kermit Francis; City Negotiator Dave Larsen; Employee Organizations: Westminster Municipal Employees' Association (WMEA);
- 4) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: Adelle Marie Wagner v. City of Westminster;
- 5) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (two potential cases); and

- 6) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northwest corner of Texas and Olive Streets; City Negotiators: City Manager Don Vestal and Director of Community Development Don Anderson; Negotiating Party: Gloria Reyes; Under Negotiation: Price and Terms of Payment.

**RECESS:** At 7:05 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting was reconvened at 7:15 p.m. in the Council Chambers.

**ROLL CALL:**

**PRESENT:** RICE, PARIS, FRY, MARSH, QUACH  
**ABSENT:** NONE

**SALUTE TO FLAG:** Council Member Fry

**INVOCATION:** Council Member Marsh

**REPORT OUT OF CLOSED SESSION:**

The City Attorney stated there was nothing to report out of Closed Session at this time, however, the Closed Session will continue following Open Session.

**SPECIAL PRESENTATIONS:**

- A. A presentation was made to the Mayor and City Council by the Westminster Teachers Association who nominated Project S.H.U.E. for the 2002 California Teachers Association State Gold Award. A commemorative plaque was presented by Janet Bruebaker, WTA President; and past-Presidents, Joey Van Camp and Caroline Anderson. Mayor Rice asked the Community Services Manager, Diana Dobbert, to accept the award for Project S.H.U.E. In turn, the Mayor and City Council awarded a Certificate of Appreciation to the Westminster Teachers Association.

- B. A check for \$600 from the Kiwanis Club of Westminster was presented by Kiwanis President Theresa Kasprzyk and past-President Judy Kampmann to The Friends of the Abbey Centre representative, Lupe Fisher, to go toward the Community Cultural Center.

Mayor Rice added a presentation of a Certificate of Appreciation to City Clerk, Marian Contreras for going "above and beyond" her job duties and assisting a German citizen in finding his relative who lived in Westminster.

- C. A presentation was made by Paul Ostrove from Hermosa Hydrogen, regarding methods whereby citizens can reduce their electric bills.

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of October 8, 2003 and Regular Meeting of the City Council/Redevelopment Agency of October 15, 2003.**

ACTION: Approved.

**ROUTINE MATTERS**

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.3 Proclamation declaring October 19-25, 2003 as "Teen Read Week" in the City of Westminster. (115-00)**

ACTION: Approved.

- 1.4 Increase Purchase Order with Plutus Enterprises for additional consulting services (Finance System Replacement Committee) (502-16)**

ACTION: The City Council authorized an increase in the purchase order to Plutus Enterprises for initial consultation work on Phase II, Implementation, of the Finance Systems Replacement Project in an amount of \$17,000.

- 1.5 Purchase of Mail-Processing Machine (106-00)**

ACTION: The City Council authorized a purchase order for a mail-processing machine from Pitney & Bowes in an amount not to exceed \$17,000.00.

**WARRANT REGISTER**

- 1.6 (City Council/Redevelopment Agency) Warrant Register dated October 3 through 16, 2003 (105-09)**

ACTION: Approved.

**INFORMATION AND REPORTS**

- 1.7 Minutes of the Planning Commission meeting held October 1, 2003 (104-11)**

ACTION: Received and filed.

**1.8 Community Development Monthly Activity Report – September 2003 (216-01)**

ACTION: Received and filed.

**Motion was made by Mayor Pro Tem Paris**, and seconded by Council Member Quach, to approve the Consent Calendar. The motion was carried by a 5-0 vote.

**END OF CONSENT CALENDAR****2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW****2.1 The actions of the Planning Commission meeting held on October 15, 2003**

The Planning Director reviewed the actions of the Planning Commission meeting of October 15, 2003:

1. 5231 Dartmouth (Area Variance) for construction of a two-story addition to a single-family home with 10'6 setback from the rear property line (instead of 20') and maintaining a 2-car garage (instead of a 3-car garage)
2. 5505 Garden Grove Boulevard (SP/DR) for installation of two new wireless communication cabinets on the roof.
3. 8522 Westminster (minor modification to approved Site Plan) for relocation of the recycling collection facility next to the Stater Brothers Store.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Paris, to receive and file the report from the Community Development Director. The motion was carried by a 5-0 vote.

**3. PUBLIC HEARINGS****3.1 LAND USE CODE AMENDMENT - AMENDING THE WESTMINSTER MUNICIPAL CODE RELATED TO THE DEVELOPMENT OF SECONDARY RESIDENTIAL UNITS (201-03)**

Time set for a public hearing to consider amending Chapter 17.04 (Definitions), 17.08 (R1 Single-Family Residential District), 17.48 (General Provisions and Exceptions) and 17.50 (Conditional Use Permit) of the Westminster Municipal Code related to the development of secondary residential units.

The Community Development Director noted that the enactment of AB 1866 might eliminate the ability of cities to restrict secondary residential units to senior citizens and prohibit cities from requiring conditional use permits and public hearings for these units. However, the legislation provided for a way that cities could adopt regulations with guidelines for the secondary units and could be more stringent than the guidelines in the bill, as long as they do not obstruct reasonable construction of the units. He reviewed the proposed conditions in the draft ordinance.

bill, as long as they do not obstruct reasonable construction of the units. He reviewed the proposed conditions in the draft ordinance.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Bob Crossley, resident of Westminster, inquired if the proposed draft would require the secondary unit to have its own water meter, to which the Community Development Director answered, no.

Darrell Nolta, resident of Westminster, spoke in favor of the proposed ordinance because of the affordable housing aspect, however, he didn't know how it would be enforced.

THE MAYOR ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM. SEEING THAT NO ONE CAME FORWARD; THE MAYOR CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Paris, to uphold the recommendation of the Planning Commission, introduce Ordinance No. 2365 entitled, "An Ordinance of the City Council of the City of Westminster, California amending Chapter 17.04, 17.08, 17.48 and 17.50 of the Westminster Municipal Code related to the development of secondary residential units" and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH  
NOES: NONE  
ABSENT: NONE

### **3.2 OBJECTIONS TO REMOVAL OF WEEDS AND DEBRIS – FALL, 2003 (618-01)**

Time set for a public hearing concerning the abatement of weeds growing upon parkways, sidewalks, and private property in the City of Westminster, at which time objections of property owners liable to be assessed for the abatement will be heard and given due consideration.

The City Manager asked the City Clerk if she received any oral or written comments objecting to the list of properties, to which she responded that she has not received any comments.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO OBJECT TO THE LIST OF PROPERTIES FOR REMOVAL OF WEEDS AND DEBRIS.

Darrell Nolta, resident of Westminster, said he reviewed the list and was pleased to see some properties on the list that were not on the list previously; and one property that was on the list before is now being developed. He would also like to see City properties on the list.

THE MAYOR CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach**, and seconded by Council Member Fry, to adopt Resolution No. 3808 entitled, "A Resolution of the City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law", and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH  
NOES: NONE  
ABSENT: NONE

#### 4. ORAL COMMUNICATIONS

Phil Hodgetts, 16041 Burgess Circle, a member of the Energy Committee, said he has an open house and everyone is invited to come and look at it if you call him in advance. He said he will attend an AQMD meeting regarding budgeting of funds from energy savings. He also said he was happy with the energy savings design of the proposed Community Cultural Center.

Bob Crossley, resident of Westminster, stated his opinion that the Ad Hoc Financing Committee's data regarding the assumption that the Community Cultural Center will pay for itself is baseless because the same numbers were used (other than updating for inflation) and analyzed by the Financial Review Committee in 1998 and their conclusion was that the City would run a deficit. He said that the timing would be ideal to put a bond issue on the ballot.

Malcolm Willis from Nicholson Pipe and Drums, announced their fundraising event, Casino Night on October 25<sup>th</sup> from 6-10:30 p.m. at the Community Center East/West Room. He also responded to an earlier speaker who said that the report from the Ad Hoc Financing Committee contained information from the "self-serving" staff. He said that the staff has worked very hard and he supports the City's efforts to build the Community Cultural Center and he noted that Mayor Rice was voted into office with a mandate to build it.

Edelgard Crozier, 5542 Abraham, stated that the completion of the Community Cultural Center will raise the values in the City. She noted that HUD agreed with the City to build it.

Sergio Contreras, 7831 10<sup>th</sup> Street, said he supports the Community Cultural Center through his membership in both Kiwanis and The Friends of the Abbey Centre.

Darrell Nolta, resident of Westminster, spoke in opposition to building the Community Cultural Center despite the recommendation of the Ad Hoc Financing Committee. It was

his opinion that the Committee was instructed to consider financing for remodel of the police building and this item was dropped off, appearing to him as a "ruse".

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Mayor Pro Tem Paris said he was invited to see the home of Ed Shoemaker on Lilac Circle, which is powered by solar panels.

Council Member Marsh stated for the record that the City of Westminster does not oppose the rollback of the vehicle license fee and he advised the public on how to obtain the form "Application for Refund" to get a refund on the triple car tax by going to [www.nocartax.com](http://www.nocartax.com). He also stated that a petition form is available at [www.saveourlicense.com](http://www.saveourlicense.com), to speak to the illegal aliens drivers license issue. He presented pictures of the damaged back side of the wall at the Calespana Apartments, due to tenants from the adjoining commercial center, and he asked if Code Enforcement could do something about it.

Mayor Rice stated that she would like to see more Code Enforcement staff hired, funded through Community Development revenues, or perhaps the police can assist. The Mayor said she spoke at the League of Cities dinner requesting that letters be sent from cities to the new Governor, making him aware of the cities' plight. She noted that his concern is for children and the cities furnish many services for the same children. She asked the public to also write letters asking him to leave city money alone and reduce state expenses. The Mayor stated that the City is using set-aside funds to build low-income, affordable housing. She also passed along complaints she received regarding the blocked sidewalk in front of 7600 Westminster Boulevard, and requested that the situation be resolved immediately.

Council Member Marsh thanked Building Official Soroosh Rahbari and his staff for assisting the Presbyterian Church of Westminster with the requirements for their remodeling. The Mayor requested that the Building Official and his staff be commended at the next Council meeting.

Council Member Quach thanked Community Development Director Don Anderson for assisting him with a development project. He also reminded everyone that candy will be passed out at the Westminster Mall on October 31<sup>st</sup>.

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6.1 Opposition to language added to the Internet Tax Non Discrimination Act (117-02)**

The City Manager explained that the current language in the Senate bill would possibly affect the City's franchise and/or utility tax ability, and for that reason staff recommends that the Mayor sign the draft letter to oppose it.

**Motion was made by Council Member Fry**, and seconded by Mayor Rice, authorizing the Mayor to sign the draft letter opposing language added to the Internet Tax Non-Discrimination Act (S. 150) that has the potential to reduce existing local Utility Users Tax revenue. The motion was carried by a 4-0-1 vote, with Council Member Marsh abstaining.

**6.2 Acceptance of Traffic Safety Mini-Grant #IN43004, from State of California Office of Traffic Safety (OTS), California Seat Belt Compliance Campaign, 10/01/2003 – 01/31/2004 (109-06)**

Council Member Marsh said he read an article concerning this grant; that one of the local cities in Orange County refused it.

Darrell Nolta, resident of Westminster, asked if it was enough money to do the enforcement.

Council Member Marsh stated he was in favor of seatbelts for minors.

**Motion was made by Mayor Pro Tem Paris**, and seconded by Council Member Fry, to:

- 1) Accept the Office of Traffic Safety Grant funds in the amount of \$14,984.00;
- 2) Increase the police department overtime Account, No. 31000-40001, in the amount of \$14,984.00 for purposes of:
  - a. Seatbelt enforcement by officers
  - b. First line supervision and clerical time to meet grant reporting requirements
- 3) Authorize the Chief of Police, or his designee, to complete the application process for the OTS 10/01/2003 – 01/31/2004 funding.

The motion was carried by a 5-0 vote.

**6.3 Purchase of integrated digital tape recorders and management software system in the amount of \$51,158.46 (106-00)**

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Paris, to:

- 1) Approve the appropriation of \$44,780.19 from police seizure fund balance to Account No. 34100-44082 DOJ Seizures – Safety Equipment; and
- 2) Authorize a purchase order for \$51,158.46 to Versatile Information Products, Inc. as a sole source provider for the purchase of PUMA Software and digital recorders per attached bid.

The motion was carried by a 5-0 vote.



**9.1 Six-month Review of Homer Street and Buckingham Park (T. C. 73-125) (703-01)**

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, to move Item 9.1 forward on the agenda to accommodate the children in the audience. The motion was carried by a 5-0 vote.

Lynn Dimick, resident of Westminster and Westminster Little League President, spoke against the Traffic Commission's recommendation to remove one of the fields in Buckingham Park, because he said that the children need a place to play baseball.

The following persons spoke in opposition to the recommendation:

Leo  
Henry Pendergrass  
Vanessa  
Kelly  
David  
Sergio Contreras

Mayor Rice asked Mr. Pendergrass, who mentioned that the cheerleader group won an award, to get that information to her so the group can be recognized at a future Council meeting. The Mayor distributed a list of all the times the Council has received complaints. She urged the parents of the children to make sure they do not block driveways of the residents on Homer Street.

Council Member Marsh asked the Public Works Director if it was possible to reconfigure the park, and add parking spaces without reducing the playing fields, to which the Public Works Director answered no.

Council Member Fry asked if it was possible to use CDBG money to build a parking structure. The City Manager stated that the CDBG funds are specific and cannot be used for that purpose, but he can investigate if there are any construction funds available.

Council Member Quach asked if the City has a parking agreement with Westminster High School. The City Engineer responded that there is an agreement and when events happen in the park, the participants are encouraged to use the high school parking lot. Council Member Quach suggested that the information about that parking needs to be better conveyed.

Council Member Marsh said he believed that a parking structure would not be cost effective. He stated that much of the problem of not having enough parks in the City is because of the practice of accepting in-lieu park fees from developers instead of them providing land for parks.

**Motion was made by Mayor Pro Tem Paris**, and seconded by Council Member Marsh, to receive and file the report from the Traffic Commission and direct staff to explore

alternative parking remedies absent the loss of field space at Buckingham Park. The motion was carried by a 5-0 vote.

Mr. Dimick noted that many of the complaints the City has received have been against other groups who use the park and not the City-permitted activities.

#### **RECESS AND RECONVENE:**

At 9:20 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 9:30 p.m.

#### **6.4 Proposed Traffic Signal at Westminster and Deodora/Swan and Traffic Concerns at Summerset Park Entrance – T.C. 77-119 (Deferred from the October 8, 2003 meeting) (606-01)**

Council Member Quach recused himself due to a potential conflict as he stated at the September 24<sup>th</sup> Council meeting and he left the dais.

Council Member Fry said he thought that the signal at Deodora/Swan would be a better selection than the mobile home park entrance.

**Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to:**

- 1) Approve the Traffic Commission's recommendation of the installation of a new traffic signal at Westminster Boulevard and Deodora/Swan by the City of Garden Grove, and raised medians at Westminster Boulevard and Summerset Entrance/Atlantis by the City of Westminster; and
- 2) Authorize the expenditure of \$28,000 from Traffic Impact Fee to construct the raised medians.

Council Member Marsh asked, just from an engineering perspective, which site would be preferable. The Public Works Director responded that the site at Deodora/Swan is the preferable site for a signal due to the higher number of accidents and a heavier traffic flow at that location. Discussion took place regarding the benefit of the planned medians and how that will assist with traffic flow.

It was the Mayor's opinion that Garden Grove seems to be getting what they want and that Westminster residents are not and she is opposed to the recommendation.

Denise Jay, Principal of Bolsa Grande High School, spoke in favor of the recommendation. She said her main concern was the students' safety; she explained that most of the foot traffic comes out of the gate on Westminster near Bushard, but most of the time the gate is locked.

Richard Brodowski stated that he was a Westminster resident and worked at Bolsa Grande High School, and he advised the Council to accept the recommendation for a signal at Deodora/Swan.

Darrell Nolta, resident of Westminster, said he agreed with Mayor Rice, noting that there is no crosswalk on Atlantis and the planned medical center will result in increased traffic flow. He agreed with the Mayor to support Westminster residents.

Discussion ensued regarding the proposed medical facility. The Public Works Director explained that the medians will assist the residents of the Summerset Mobile Home Park.

The motion was carried by a 3-1-1 vote, with Mayor Rice voting no and Council Member Quach abstaining.

**7. WRITTEN COMMUNICATIONS (Public) – None**

**8. LEGISLATIVE ITEMS – None**

**9. COMMISSION AND COMMITTEE ITEMS**

**9.2 Resolution No. 3810 – Installation of 20 feet of parking restrictions on Bolsa Frontage Street – T.C. 03-106 (608-02)**

**Motion was made by Mayor Pro Tem Paris**, and seconded by Council Member Fry, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3810 entitled, "A Resolution of the City Council of the City of Westminster providing for no parking or stopping on the south side of Bolsa Frontage Street, east of Eden Street", and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH

NOES: NONE

ABSENT: NONE

**9.3 Appointment to the Cultural Arts Commission (Council Member Quach appointee) (104-06)**

Council Member Quach stated he would like to appoint Dr. Kelly Le to the Cultural Arts Commission.

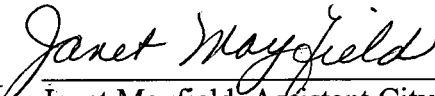
**Motion was made by Mayor Pro Tem Paris**, and seconded by Council Member Marsh, to appoint Dr. Kelly Le to fill the vacancy on the Cultural Arts Commission for a term to expire November, 2004. The motion was carried by a 5-0 vote.

**RECESS TO CLOSED SESSION AND RECONVENE IN OPEN SESSION:**

At 10:12 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting to return to Closed Session, and reconvened the meeting at 10:14 p.m.

The City Attorney stated that there was nothing further to report out of the continued Closed Session.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:30 p.m., Mayor/Chair Rice adjourned the meeting.



*Janet Mayfield*

Janet Mayfield, Assistant City Clerk/  
Acting Agency Secretary